



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/867,442	05/31/2001	Victor I. Sheymov	741946-27	6583

22204 7590 09/24/2004

NIXON PEABODY, LLP
401 9TH STREET, NW
SUITE 900
WASHINGTON, DC 20004-2128

EXAMINER

LEZAK, ARRIENNE M

ART UNIT	PAPER NUMBER
----------	--------------

2143

DATE MAILED: 09/24/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/867,442

Applicant(s)

SHEYMOV ET AL.

Examiner

Arrienne M. Lezak

Art Unit

2143

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 May 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 2/20/02 & 7/28/04.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 2, 6, 8, 9 & 14 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent 5,694,335 to Hollenberg.

3. Regarding Claims 1 & 8, Hollenberg discloses a distributed network monitoring system and method, (Col. 4, lines 13-59; Col. 5, lines 54-67; Col. 6; Col. 7, lines 1-9; and Col. 8, lines 26-33) comprising:

- one or more hierarchical monitoring systems, (Col. 5, lines 59-67; Col. 11, lines 19-67 & Col 12, lines 1-5); and
- one or more alarm signals, (Col. 5, lines 59-62 & Col. 10, lines 22-37), that represent an unauthorized access attempt into one or more portions of the distributed network, wherein the one or more hierarchical monitoring systems at least one of analyze the unauthorized access attempt, determine a responsive action to the unauthorized access attempt, or forward information regarding the unauthorized access attempt to one or more of the one or more hierarchical monitoring systems, (Col. 6, lines 5-12; Col. 11, lines 19-67 & Col 12, lines 1-5).

4. Regarding Claims 2 & 9, Hollenberg discloses a distributed network monitoring system and method further comprising a monitoring device that monitors information on one or more distributed networks, (or portion thereof – per pending Claim 9), (Col.11, lines 19-67 & Col. 12, lines 1-5).

5. Regarding Claims 6 & 14, Hollenberg discloses a distributed network monitoring system and method wherein the one or more alarm signals is generated by one or more recipients of the unauthorized access attempt, Col. 5, lines 59-67; Col. 11, lines 19-67; and Col. 12, lines 1-5).

6. Therefore, the Hollenberg reference may reasonably be read to teach or describe every element or claim limitation of Claims 1, 2, 6, 8, 9 & 14.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 3-5, 7, 10-13 & 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over further consideration over US Patent 5,694,335 to Hollenberg.

9. Regarding Claims 3, 10 & 11, Hollenberg is relied upon for those teachings disclosed herein. Hollenberg further discloses a distributed network monitoring system and method further comprising an intrusion analysis system that receives the one or more alarm signals and at least one of determines the origin of the unauthorized access

Art Unit: 2143

attempt, logs communications and evaluates the threat of the unauthorized access attempt, (Col. 6, lines 5-12; Col. 11, lines 19-67; and Col. 12, lines 1-5). Though Hollenberg does not specifically enumerate the restriction of logging, (data collection), based on an analysis of the unauthorized access attempt, (per pending Claim 11), Examiner notes that the same would have been obvious to one of ordinary skill in the art at the time of invention by Applicant, as the prior art teaches monitoring and responding to unauthorized access attempts and collecting data about the same. It would be obvious within such a monitor/response system to have different levels of response based on the level of threat. Further, in some instances, recording of access attempt data may not be necessary, (i.e. false alarm). Thus, Claims 3, 10 & 11 are found to be unpatentable over further consideration of the teachings of Hollenberg.

10. Regarding Claims 4 & 12, Hollenberg is relied upon for those teachings disclosed herein. Hollenberg further discloses an intrusion interaction system capable of communicating with the origin of the unauthorized access attempt, (Col. 30, lines 27-67 & Col. 31, lines 1-59). Examiner notes that a GPS system allows for direct communication with a monitoring station, as well as a "listen in" functionality, which communication functionality allows the monitoring station to communicate with any unauthorized vehicle occupant. Thus, Claims 4 & 12 are found to be unpatentable over further consideration of the teachings of Hollenberg.

11. Regarding Claims 5 & 13, Hollenberg is relied upon for those teachings disclosed herein. Hollenberg further discloses an escalation determination system that, based on an evaluation the unauthorized access attempt and a comparison to one or more other

Art Unit: 2143

unauthorized access attempts, forwards information regarding the unauthorized access attempt to the one or more of the one or more hierarchical monitoring systems, (Col. 5, lines 54-67; Col. 6; Col. 7, lines 1-8; Col. 11, lines 19-67; and Col. 12, lines 1-5).

Examiner notes that the evaluation and comparison of unauthorized attempts would have been obvious within a monitoring system with data storage capability, like Hollenberg, wherein it would have been obvious to compare and evaluate each "breach of security" situation on an individual basis in order to determine the true nature of the threat and thus act accordingly. Thus, Claims 5 & 13 are found to be unpatentable over further consideration of the teachings of Hollenberg.

12. Regarding Claims 7 & 15, Hollenberg is relied upon for those teachings disclosed herein. Hollenberg further discloses a response system that communicates information to one or more of a monitored site, (Col. 11, lines 19-67 & Col. 12, lines 1-5), and obviously a law enforcement agency. Examiner notes that a GPS system provides transmitted information, which information allows a control center to take appropriate action, such as dispatching law enforcement. Thus, Claims 7 & 15 are found to be unpatentable over further consideration of the teachings of Hollenberg.

Conclusion

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

US Patent 5,50,551 to Alesio;

US Patent 5,825,283 to Cambi; and

US Patent 5,969,433 to Maggiora.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Arrienne M. Lezak whose telephone number is (703)-305-0717. The examiner can normally be reached on M-F 8:30-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A. Wiley can be reached on (703)-308-5221. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Arrienne M. Lezak
Examiner
Art Unit 2143

AML



DAVID WILEY
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100